

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
MIDDLE DIVISION**

AAMIR M. SHAIKH,)
)
Plaintiff,)
)
v.) Case No. 4:21-cv-00849-LSC-JHE
)
DIANNE WITTE, et al.,)
)
Defendants.)

MEMORANDUM OPINION

Aamir M. Shaikh filed a *pro se* complaint under 42 U.S.C. § 1983 and *Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), alleging violations of his rights under the Constitution or laws of the United States. (Doc. 2). On September 6, 2023, the magistrate judge entered a report recommending the court dismiss this action pursuant to 8 U.S.C. § 1252(g) for lack of subject matter jurisdiction. (Doc. 11). In the alternative, the magistrate judge recommended the court dismiss this action pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted. (Doc. 11). Although the magistrate judge advised Shaikh of his right to file written objections within 14 days, the court has not received any objections.

After careful consideration of the record in this case and the magistrate judge's report, the court **ADOPTS** the report and **ACCEPTS** the recommendation.

Consistent with that recommendation, this action is due to be dismissed without prejudice pursuant to 8 U.S.C. § 1252 for lack of subject matter jurisdiction. In the alternative, this action is due to be dismissed without prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) for failure to state a claim upon which relief may be granted.

A Final Judgment will be entered.

DONE and **ORDERED** on October 17, 2023.



L. Scott Cogler
United States District Judge

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